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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,812	04/26/2005	Paul Petzl	123364	9396
25944	7590	04/11/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER DUNWIDDIE, MEGHAN K	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/532,812

Applicant(s)

PETZL ET AL.

Examiner

Meghan K. Dunwiddie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/26/05</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on April 26, 2005 by **Petzl et al.**

#### *Specification*

1. The disclosure is objected to because of the following informalities:
  - Element **12** is labeled as “**a fixing and connecting element 12**” [page 4 line 16] and “**the rectangular-shaped element 12**” [page 4 line 21]
  - The “**Fresnel lens 11**” should be “**Fresnel lens 16**” according to Figures 11A and 11B [page 5 lines 18 and 21].

Appropriate correction is required.

#### *Claim Objections*

2. In reference to the amendment to the claims filed by the applicant, Claims 1-18 were cancelled. Applicant as made a mistake by stating the cancellation of claims 1-18 because there were no claims 16-18 in the original set of claims. The amended claims submitted by the applicant were incorrectly numbered and have been renumbered by the examiner in accordance with 37 CFR 1.126. The newly submitted claims 19-27 have been renumbered by the examiner as claims 16-24.

3. Claim 24 is objected to because of the following informalities: The first term of the claim should be “**Lighting**” not “**ighting**”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16-18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by **Belliveau** (US 6474837).

6. In reference to Claim 16, **Belliveau** shows a portable lighting lamp comprising:

- An emitting module equipped with at least one light-emitting diode for emitting a light beam [Figure 6: (500, 514, 516, and 518)], a fixing and connecting element of said diode [Figure 6: (510)], and means for adjusting the light beam comprising at least one optical focusing device formed by at least one lens arranged on a transparent support to form a monoblock part [Figure 5A: (304, 306, and 308)],
- Wherein the support of the optical focusing device [Figure 5A: (40)] is able to be moved manually between two positions comprising an inactive position situated outside the light emission field of the diode and an active position facing the diode to make the visualization angle of the light beam vary [See column 9 lines 22-49], said mobile support being bistable by a swiveling or sliding movement to obtain broad lighting with a short range or narrow lighting with a long range [See column 11 lines 9-13 and column 2 lines 51-54].

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7. In reference to Claim 17, **Belliveau** shows:

- The lens is a Fresnel lens [See column 9 lines 46-48 in reference to Figure 5A: (304, 306, and 308)].

8. In reference to Claim 18, **Belliveau** shows:

- The mobile support comprises a plurality of lenses corresponding to the same number of diodes [Figure 5A: (304, 306, 308, 14, 16, and 18)].

9. In reference to Claim 24, **Belliveau** shows:

- The emitting module comprises a light-emitting diode connected at the rear on a heat sink and associated at the front to a magnifying glass [See column 15 lines 36-43].

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Belliveau** (US 6474837) in view of **Yamada** (US 3705983).

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12. Regarding Claim 19, **Belliveau** shows:

- The light source as being light emitting diodes [Figure 5A: (14, 16, and 18)].

13. **Belliveau** does not show:

- Said mobile support is formed by a swiveling plate mounted pivoting around a spindle extending orthogonally with respect to the light source.

14. **Yamada** teaches:

- Said mobile support is formed by a swiveling plate mounted pivoting around a spindle extending orthogonally with respect to the light source [See column 3 lines 25-44 in reference to Figures 1-3].

15. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the portable lighting lamp of **Belliveau** with a mobile support formed by a swiveling plate mounted pivoting around a spindle extending orthogonally with respect to the light source as taught by **Yamada** for the purpose and advantage of covering and protecting the portable lighting lamp.

16. Regarding Claim 20, **Belliveau** shows the claimed invention as cited above, but does not specifically teach the plate of the optical focusing device bears in the inactive position on a fixed rim of the casing housing the lamp.

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17. **Yamada** teaches:

- The plate of the optical focusing device bears in the inactive position on a fixed rim of the casing housing the lamp [See column 3 lines 25-44 in reference to Figures 1-3].

18. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the portable lighting lamp of **Belliveau** with the plate of the optical focusing device placed on a fixed rim of the casing housing the lamp as taught by **Yamada** for the purpose and advantage of securing the plate to the portable lighting lamp.

19. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Belliveau** (US 6474837) in view of **Lambertz** (DE U1 85 15 726.0).

20. Regarding Claim 21, **Belliveau** shows the claimed invention as cited above, but does not specifically teach the mobile support of the optical focusing device is formed by a rack mounted sliding in grooves of the casing and moving in a plane perpendicular to the light beam.

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21. **Lambertz** teaches:

- The mobile support of the optical focusing device is formed by a rack mounted sliding in grooves of the casing and moving in a plane perpendicular to the light beam [See Figure 5].

22. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the portable lighting lamp of **Belliveau** with the mobile support of the optical focusing device formed by a rack mounted sliding in grooves of the casing and moving in a plane perpendicular to the light beam as taught by **Lambertz** for the purpose and advantage of securing and giving mobility to the mobile support of the optical focusing device on the portable lighting lamp.

23. Regarding Claim 22, **Belliveau** shows the claimed invention as cited above, but does not specifically teach the rack of the optical focusing device is formed by an interchangeable part having a preset focal distance.

24. **Lambertz** teaches:

- The rack of the optical focusing device is formed by an interchangeable part having a preset focal distance [See Figures 4 and 5].

25. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the portable lighting lamp of **Belliveau** with the rack of the optical



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focusing device is formed by an interchangeable part as taught by **Lambertz** for the purpose and advantage of being provided the option of selecting and using different parts with a wide variety of preset focal distances.

26. Regarding Claim 23, **Belliveau** shows the claimed invention as cited above, but does not specifically teach the rack is protected by a removable cap able to be slotted into the casing, and enabling the rack to slide between the withdrawn position to the apparent position.

27. **Lambertz** teaches:

- The rack is protected by a removable cap able to be slotted into the casing, and enabling the rack to slide between the withdrawn position to the apparent position [See Figures 3 and 5].

28. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the portable lighting lamp of **Belliveau** with a rack protected by a removable cap as taught by **Lambertz** for the purpose and advantage of protecting the portable lighting lamp.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571)

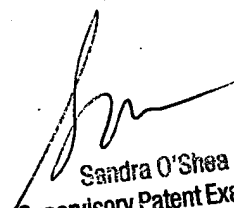
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272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800